

Express mail number EV 485937269 US dated 10 October 2006

PTO-1390 (Rev. 09-2006)

Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 1-17186
INTERNATIONAL APPLICATION NO. PCT/IB2004/001542	INTERNATIONAL FILING DATE 13 May 2004 (13.05.2004)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/556,659
TITLE OF INVENTION <div style="text-align: center;">Embedded-Type Reflective Road Marker</div>		PRIORITY DATE CLAIMED 14 May 2003 (14.05.2003)
APPLICANT(S) FOR DO/EO/US <div style="text-align: center;">Shaun Burchell</div>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <div style="margin-left: 20px;">           a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).            b. <input type="checkbox"/> has been communicated by the International Bureau.            c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).         </div>		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <div style="margin-left: 20px;">           a. <input type="checkbox"/> is attached hereto.            b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).         </div>		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <div style="margin-left: 20px;">           a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).            b. <input type="checkbox"/> have been communicated by the International Bureau.            c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.            d. <input type="checkbox"/> have not been made and will not be made.         </div>		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. (combined with Declaration)		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/556,659</b>	INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/001542</b>	ATTORNEY'S DOCKET NUMBER <b>1-17186</b>
20. Other items or information: <b>Response to Notification of Missing Requirements; copy of 371 Formalities Letter; return card; IDS Forms SB/08A; copy of International Search Report</b>		
The following fees have been submitted		<b>CALCULATIONS</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>		\$
All other situations..... <b>\$200</b>		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>		\$
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b>		\$
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b>		\$
All other situations..... <b>\$500</b>		\$
<b>TOTAL OF 21, 22 and 23 =</b>		\$
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.		\$
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x \$250
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 130.00
CLAIMS	NUMBER FILED	RATE
Total claims	- 20 =	x \$ 50
Independent claims	- 3 =	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		65.00
<b>SUBTOTAL =</b>		\$ 65.00
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$ 65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$ 65.00
		Amount to be refunded: \$
		Amount to be charged \$

10/13/2006 GFREY1 00000088 10556659

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- a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To protect your information, it is recommended paying fees online by using the electronic payment method.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:  
Customer Number 001678  
Marshall & Melhorn, LLC  
Four SeaGate - 8th Floor  
Toledo, Ohio 43604

Phone: 419-249-7114  
Fax: 419-249-7151

  
\_\_\_\_\_  
SIGNATURE  
MARK HIXON  
\_\_\_\_\_  
NAME  
44,766  
\_\_\_\_\_  
REGISTRATION NUMBER

CERTIFICATE UNDER 37 CFR 1.10 OF MAILING BY "EXPRESS MAIL"

"Express Mail" Label Number EV 485937269 US

Date of Deposit October 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



\_\_\_\_\_  
Signature of person mailing correspondence

Mark A. Hixon

\_\_\_\_\_  
Typed name of person mailing correspondence

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 USC 371

Application Number 10/556,659

International Appln. No. PCT/IB2004/001542 filed 13 May 2004

Earliest Priority Date Claimed: 14 May 2003

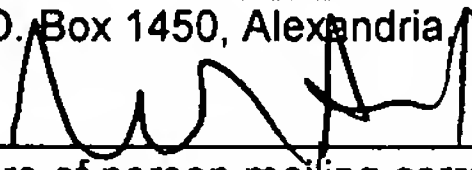
Title: Embedded-Type Reflective Road Marker

Inventor: Shaun Burchell

Attorneys: Marshall & Melhorn, LLC

Attorney Docket No: 1-17186

"Express Mail" Label Number EV 485937269 US  
I hereby certify that this correspondence is being deposited with the United States  
Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10  
on October 10, 2006 and is addressed to Mail Stop PCT,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature of person mailing correspondence)

Mark A. Hixon

(Typed name of person mailing correspondence)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
SHAUN BURCHELL

Application Number 10/556,659  
Filed Under 35 U.S.C. 371 in the DO/EO/US  
of PCT/IB2004/001542 filed 13 May 2004

For: EMBEDDED-TYPE REFLECTIVE  
ROAD MARKER

Group Art Unit:

Examiner:

Attorney Docket 1-17186

October 10, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### RESPONSE TO MISSING REQUIREMENTS UNDER 35 USC 371

Honorable Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C.  
371 in the United States Designated/Elected Office (DO/EO/US)" dated  
September 27, 2006 (copy attached), enclosed is the fully executed Combined  
Declaration and Power of Attorney document and an Information Disclosure  
Statement with copies of the cited foreign patent documents.

A check in the amount of \$65.00 is enclosed to cover the fee for late filing of the Declaration for small entity.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Hixon', is written over a horizontal line.

Mark A. Hixon  
Registration No. 44,766

ATTORNEYS

Customer Number 001678  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/556,659	Shaun Burchell	1-17186

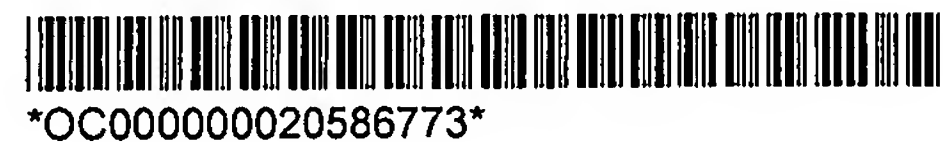
INTERNATIONAL APPLICATION NO.	
PCT/IB04/01542	
I.A. FILING DATE	PRIORITY DATE
05/13/2004	05/14/2003

1678  
 MARSHALL & MELHORN  
 FOUR SEAGATE, EIGHT FLOOR  
 TOLEDO, OH 43604

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 OCT 02 2006

MARSHALL & MELHORN, LLC

CONFIRMATION NO. 8569  
 371 FORMALITIES LETTER



\*OC000000020586773\*

Date Mailed: 09/27/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/11/2005
- Copy of the International Search Report filed on 11/11/2005
- Preliminary Amendments filed on 11/11/2005
- Oath or Declaration filed on 11/11/2005
- Small Entity Statement filed on 11/11/2005
- Request for Immediate Examination filed on 11/11/2005
- U.S. Basic National Fees filed on 11/11/2005
- Priority Documents filed on 11/11/2005
- Specification filed on 11/11/2005
- Claims filed on 11/11/2005
- Abstracts filed on 11/11/2005
- Drawings filed on 11/11/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath



or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,659	PCT/IB04/01542	1-17186